

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

United States Courts  
Southern District of Texas  
ENTERED

DEC 18 2006

Michael J. Milby, Clerk of Court

TAREEQ MUHAMMAD AKBAR, #255438 §  
VS. § CIVIL ACTION NO. G-  
DAVID DEWHURST §

**G 06-787**

**REPORT AND RECOMMENDATION**

Before the Court is a "Notice of Appeal" filed by Tareeq Muhammad Akbar on December 13, 2006, in which Akbar states that he desires to "appeal to this United States District Court, from the final judgment of an order rendered by the Texas Supreme Court on October 20, 2006." Akbar has also submitted an application to proceed in forma pauperis along with an inmate trust fund statement.

Although Akbar asks for "a time extension of thirty days to file petition for this appeal," such an extension would be worthless. The United States Supreme Court has stated that a "United States District Court has no authority to review final judgments of a state court and judicial proceedings." District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482 (1983). Therefore, it is well-settled law that a Plaintiff, like Akbar, may not seek a reversal in federal court of a state court judgment. Reed v. Terrell, 759 F.2d 472, 473 (5<sup>th</sup> Cir. 1985). Under the circumstances, it would be fruitless to allow Akbar to proceed with his intended appeal at government expense.

It is, therefore, the **RECOMMENDATION** of this Court that the Application to Proceed in Forma Pauperis of Tareeq Muhammad Akbar be **DENIED**.

The Clerk **SHALL** send copies of this Report and Recommendation to Akbar. Akbar **SHALL** have until **January 6, 2006**, in which to have written objections, filed pursuant to 28 U.S.C. § 636(b)(1)(C), **physically on file** in the Office of the Clerk. The Objections shall be mailed to the Clerk's Office at P.O. Box 2300, Galveston, Texas 77553. Any Objections filed **SHALL** be contained in a written document specifically entitled "Objections to the Report and Recommendation of the Magistrate Judge", which will then be forwarded to the District Judge for consideration. Failure to file written objections within the prescribed time **SHALL** bar the aggrieved party from attacking on appeal the factual findings and legal conclusions accepted by the District Judge, except upon grounds of plain error.

DONE at Galveston, Texas, this 18th day of December, 2006.

  
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John R. Broeschner  
United States Magistrate Judge